	Application No.	Applicant(s)
Notice of Allowability	10/761,543	HANDAL, THOMAS
	Examiner	Art Unit	
	Todd Ingberg	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *12/5/2005*.

2. ☒ The allowed claim(s) is/are *1-21*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

TODD INGBERG
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1.   The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 11 are represented by independent claim 1 presented below.

Prior art of record failed to teach the combination of limitations of a retarget able kernel where

kernel is adapted on a target system. The compiled kernel corresponds to another kernel version

different from the target system. Where an analyzer extracts the required information and

performs an error check and kernel version identification step. And inserting the resulting

parameters to replace a version identification in the compiled kernel module.

Prior art of record of Andrew Tenenbaum "Distributed Operating Systems", teaches on

pages 457 – 458 teaches the V Kernel a Stanford University distributed Operating System

Kernel. The teaching is silent as to the mechanisms of retargeting the Kernel.

Retargeting Machine code (MCODE) is taught by Sun Microsystems article "Clarity

Mcode: A Retargeting Intermediate Representation for Compilation". The article is directed

toward and intermediate representation not a "compiled Kernel". And the intermediate

representations are to code to be compiled. the stage of the software build process taught by the

Sun article is too early in the translation process from code to an executable. The claimed

invention modifies the executable.

Claim 1
A kernel module modification apparatus stored on a computer readable medium and operable to be
executed on a computer for adapting for a kernel on a target system a compiled kernel module
corresponding to another kernel version which is different from the kernel on the target system,
comprising:
        a kernel analyzer adapted to extract from the kernel on the target system an error check measure
and a kernel version identification; and
        a module adaptation component adapted to insert in the compiled kernel module an error check
parameter corresponding to the error check measure extracted by the kernel analyzer from the kernel on
the target system, and to replace a version identification in the compiled kernel module with the kernel
version identification extracted by the kernel analyzer from the kernel on the target system.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Correspondence Information

2.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The

examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd Ingberg
Primary Examiner
Art Unit 2193

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